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SUBJECT: National Assembly Fall Preview

¶11. (U) Summary: During a month-long plenary session beginning October 21, the National Assembly is expected to approve nine draft laws, most significantly a new Criminal Procedures Code and a Land Law. Major political issues to be debated include earlier access to defense lawyers for people under criminal investigation, the adoption of "adversarial" prosecution/defense courtroom procedures, the appropriation of lump sum budget transfers for provinces, and the division of two provinces into several smaller ones. End Summary

¶12. (U) The fourth bi-annual session of the eleventh National Assembly (NA), elected in May 2002, is scheduled to open on October 21 and last for 33 working days. During the session, delegates will debate, revise, and almost certainly pass nine draft bills including revisions and supplements to the existing Criminal Procedures Code, the Law on Organizations of the People's Council and People's Committees, the Law on Election to the People's Councils, the Land Law, the Law on Cooperatives, the Law on State-owned Enterprises, and provisions of three new laws governing "thi dua" (civic spirit), aquaculture, and construction. It will also assess and "give opinions" on proposed amendments to the laws on Bankruptcy and Credit Institutions, as well as on new drafts of the Civil Procedures Code, the Inspection Law, and the Law on Inland Water Transport. Finally, it will hear a report on outstanding issues related to socialist land reform before 1991, and may pass a resolution on the issue. As in previous sessions, selected Ministers will face the delegates for question-and-answer sessions, although we do not know yet which Ministers will be called.

¶13. (U) Discussions on draft amendments to the Criminal Procedures Code are expected to be among the most controversial. The most high profile of these proposed changes is the move to allow attorneys access to clients earlier in the investigative process (septel). Also significant is an attempt to incorporate elements of the "adversarial" litigation process familiar in Western countries - in which prosecution and defense debate a case before judges - into Vietnam's current "investigatory" litigation mechanism - in which judges take the lead in questioning the accused, and often try to extract confessions. Many professional lawyers have spoken in favor of the adversarial approach, and it has some support among the full-time NA delegates, many of whom are lawyers themselves. One vice chairman of the NA Law Committee has warned against expecting major changes, however, saying that even after reforms, the judging panel would still take the lead in questioning the accused.

¶14. (U) One new feature will be that delegates will be expected to read proposed legislation themselves before the session; previously, the full text of each bit of legislation was read aloud. The experiment will include reading only summaries, in an effort to speed up the NA's notoriously slow-paced deliberation process.

¶15. (U) According to sources, the NA will also consider dividing the northwestern province of Son La - Vietnam's fifth largest - into two provinces, and the Central Highland province of Dak Lak - currently Vietnam's largest - into three provinces. Local officials have complained that their large, mountainous, and poor provinces are too big for effective management, and that smaller provinces should be created to better encourage economic development.

¶16. (U) According to senior staff members from the Office of the National Assembly, high in the agenda of the session will be discussions on appropriation of lump sum State funds for fiscal year 2004, in accordance with a revised Budget Law ratified in December last year. Currently the NA discusses and approves central, provincial, district, and commune level budgets. This has created an unwieldy structure for budgetary agencies at the national level, and considerable opportunities for corruption among officials from central GVN offices dealing with State budget allocations. Under the proposed revisions, the NA would only decide on funds that are to be allocated from the central budget to the budget of local provinces and cities.

Subsequently, the local People's Council will decide on local budget estimates and distribution of spending among different departments, offices, and sectors.

17. (U) Looking further ahead, the NA's fifth session slated for May 2004 is expected to discuss and pass six draft laws, plus three statutes governing operations of its own Standing Committee, Council for Ethnic Affairs, and various other Committees. It is also planning to comment on eight other draft laws, including the long-awaited amended Law on Public Complaints and Denunciations. For the sixth session, it is planning to consider and pass these eight laws, and comment on ten other draft laws, including a combined Investment Law governing both domestic and foreign investment, a Law on National Security, and a Law on National Defense.

18. (U) Comment: The National Assembly remains more a deliberative body than a true decision-making institution; its main role is publicly to ratify legislation drafted and proposed by the GVN, and it usually does so with little murmur. The Land Law -- which directly affects the interests of a wide range of individual Vietnamese citizens -- has sparked heated discussions (including unsuccessful calls for revisiting decades-old "land reform" programs in which families lost their lands) in earlier sessions but most likely has now had the kinks worked out already to enable passage at this session, as predicted. The GVN will be at pains also to prevent fireworks during the grilling of Ministers. It will need to be careful, however; the apparent effort in the last session to limit the time for actual Q&A by letting Ministers read lengthy statements first engendered much unnecessary disgruntlement among NA delegates.

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